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U.S. COURTS
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PEUG.
SAMUELLE STEERS

Attorney for Creditor / Key Bank of Idaho Our File No. 09-26830

## FOR THE DISTRICT OF IDAHO

IN RE.	)
	) Chapter 12
TERRY HIPWELL,	)
	) Case No. 96-02095
	) MOTION TO REMOVE
Debtor(s).	) AUTOMATIC CO-DEBTOR STAY
	)

COMES NOW, <u>Key Bank of Idaho</u>, pursuant to 11 U.S.C. 362(d) and 1301(c) Bankruptcy Rule 4001 and Local Bankruptcy Rule 4001.2 and alleges as follows:

- 1. That the Co-Debtor(s), GERALD G. HIPWELL, is indebted to Claimant upon a loan agreement dated March 17, 1995 whereby said Co-Debtor(s) promised to pay to the order of the Claimant the total of \$11,540.14 plus interest. A copy of said note is attached hereto as Exhibit "A" and is incorporated herein in full by this reference.
- 2. That Debtor(s), TERRY HIPWELL, filed their Chapter 12 petition under the provisions of the applicable Bankruptcy Code on or about August 23, 1996.
- 3. That Co-Debtor(s) are in default under the terms and conditions of the agreement/plan, as stated above, and owe \$8,836.40 as of September 22, 1996. Co-

Debtor(s) last paid on August 26, 1996, and are due August 1, 1996. The amount in arrears is \$598.64.

WHEREFORE, Claimant moves the Court to issue an Order against the Co-Debtor(s), the trustee and parties in interest as follows:

1. Removing the stay of 11 U.S.C. 362 as against Claimant and authorizing said Claimant to pursue its remedies against said Co-Debtor(s) pursuant to the provisions of its Note and applicable local law.

DATED this 1st day of October, 1996.

MICHAEL L. SCHINDELE

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